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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
SEATTLE, WASHINGTON 98101

*FIRDA*  
**FILE COPY**

SEP 27 1988

REPLY TO  
ATTN OF:

AT-083

**MEMORANDUM**

SUBJECT: TSCA Referral for Administrative Civil Penalty:  
S.J. Nudelman and Son, Inc., Portland, Oregon

FROM: *for* Gil Haselberger, Chief  
Toxic Substances Section *William M. Hodgebert*

TO: Jackson Fox, Regional Counsel

THRU: *Kenneth D. Feigner*, Chief  
Pesticides and Toxic Substances Branch

On August 4, 1988, an EPA inspection was performed by Ronald Culver at S.J. Nudelman and Son, Inc., Portland, Oregon. The inspection was carried out to determine compliance with the PCB Regulations adopted by EPA pursuant to the Toxic Substances Control Act (TSCA).

During the inspection, violations of the regulations were noted, as listed in the attached proposed civil complaint.

Compliance History

According to EPA files, an anonymous complaint was phoned in on 12/31/85 alleging that several transformers that had been stored for several years had recently been leaking PCB-Contaminated oil onto the pavement of the yard in which they were stored. On 1/24/86 EPA sent a letter to S.J. Nudelman requesting information on the transformers stored in his facility. On 1/29/86 EPA received a letter from S.J. Nudelman that stated "ALL transformers in possession of S.J. Nudelman and Son at this time, were purchased from Bonneville Power Association, Vancouver, Washington, and were sold to us under EPA guidelines. This was after BPA had tested and marked them for safety under EPA guidelines." There were no copies of test results enclosed to verify this claim.

Request for Action

This assessment is being referred to you for consideration of enforcement action. An Administrative Civil Penalty appears to be in order because of the significance of the violations. Stanford J. Nudelman was notified by certified letter dated *SEP 27 1988*. Following is a Civil Penalty Assessment for documented violations of TSCA.

## I. Description of Current Alleged Violations

1. Violation - Disposal  
Level - One  
Extent - Minor  
Penalty - \$5,000
2. Violation - Disposal  
Level - One  
Extent - Minor  
Penalty - \$5,000
3. Violation - Storage  
Level - Three  
Extent - Minor  
Penalty - \$1,500
4. Violation - Marking  
Level - Three  
Extent - Minor  
Penalty - \$1,500
5. Violation - Marking  
Level - Three  
Extent - Minor  
Penalty - \$0 (Same type violation, same location as Vio. 4)
6. Violation - Records  
Level - Four  
Extent - Minor  
Penalty - \$1,000

## II. Initial Penalty Assessment

	<u>Regulation</u>	<u>Requirement</u>	<u>Penalty Amount</u>
1.	40 C.F.R. § 761.60 (d) (1) & (a)	Disposal	\$5,000
2.	40 C.F.R. § 761.60 (a) (2)	Disposal	\$5,000
3.	40 C.F.R. § 761.65 (b)	Storage	\$1,500
4.	40 C.F.R. § 761.40	Marking	\$1,500
5.	40 C.F.R. § 761.40	Marking	\$0

6. 40 C.F.R. § 761.180 (a)

Records

\$1,000  
\$14,000

The TSCA Case Reviewer assigned to this case is Eileen Hayes, 2-2584.

Attachment